ORDINANCE BILL NO. 3 FOR 2014

ORDINANCE NO. 1239

AN ORDINANCE PERTAINING TO RECREATIONAL VEHICLES AND RECREATIONAL STRUCTURES AND AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 10.28 AND DECLARING AN EMERGENCY

The City of Sweet Home does ordain as follows:

Section 1. Section 10.28.010 of the SHMC entitled DEFINITIONS is amended to read as follows:

HUMAN OCCUPANCY. The use of a trailer house, recreational vehicle or recreational structure, other than for storage.

RECREATIONAL STRUCTURE. A tent, yurt, fabric structure or similar structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for seasonal, emergency or transitional housing purposes.

RECREATIONAL VEHICLE. A camping or travel trailer, motor home or other similar unit with or without motive power which is designed for temporary human occupancy for recreational, travel or vacation uses.

RECREATIONAL VEHICLE PARK. A privately-owned place authorized by the City in accordance with the zoning title and licensed by the State of Oregon to accommodate recreational vehicles for temporary human occupancy.

STORAGE. The parking or placing of an unoccupied trailer house, recreational vehicle or recreational structure during periods when not in use or not on display for sale.

TRAILER HOUSE. Any portable structure or vehicle constructed or designed to permit its occupancy for dwelling or sleeping purposes or any other form of human occupancy, including mobile homes and travel trailers having permanent kitchen and bath facilities.

TRAILER HOUSE OR RECREATIONAL VEHICLE SALES LOT. Any place in accordance with the zoning title non-occupied trailer houses or recreational vehicles are located or displayed for purposes of sale to other individuals.

TRAILER PARK. A privately-owned place authorized by the City in accordance with the zoning title and licensed by the State of Oregon to accommodate trailer houses for human occupancy.

Section 2. Section 10.28.020 of the SHMC entitled UNLAWFUL ACTS is retitled and amended to read as follows:

§ 10.28.020 LIMITED PARKING; PERMIT PARKING

A. No person shall park or place, or allow to be parked or placed, any recreational vehicle or recreational structure used for human occupancy within the City for any period of time exceeding 7 days in any one year period except in a trailer park or recreational vehicle park which has been approved by the City and issued a valid certificate of sanitation or except where a permit has been issued and is in good standing as set forth herein. No person shall violate the provisions of this Chapter or terms of any permit issued thereunder.

B. After the 7 day period a person shall obtain a permit(s) from the City upon payment of permit fee(s) set by resolution of the City Council to park or place any recreational vehicle used for human occupancy within the City. No permit or series of permits shall exceed 60 days within a one year period for a parcel of real property within the City and only one recreational vehicle can be permitted at a time for a parcel of real property.

C. An application for a permit issued by the City shall contain information needed to process the permit including but not limited to the applicant's name and signature, number of occupants in the recreational vehicle, the date the permit begins and the date the permit ends, the owner of the real property, the owner of the recreational vehicle, a description of the recreational vehicle including the licence plate number and other legal identification of the recreational vehicle, and the address and the Tax Assessor's lot and map numbers of the parcel of real property. A site map shall be furnished by the applicant with an application indicating the location of the recreational vehicle on the real property. As part of the application at least one of the owners of the real property must sign the application approving the recreational vehicle placement. The City shall issue a placard to the applicant that shows the time period of the permit. The placard shall be displayed within view from the outside of the front door of the recreational vehicle at all times while the permit time is running.

D. In addition to any other authority, upon application for a permit being issued the City Building Official, Building Inspector, engineering staff or any other authorized city designee shall inspect the recreational vehicle for proper and operable water and sewage facilities before a permit is granted. Each recreational vehicle shall have a proper and operable sink and toilet.

E. The time periods described above run with the real property for calculation of days allowed not the person(s) or recreational vehicle referred to in this section. The time period set out on a permit shall be the time period used for calculation of time allowed in any one year period whether the recreational vehicle was on the real property during that time period or not. A recreational vehicle or the real property upon which it is placed under this permit system is hereby declared a public nuisance when it is in violation of the provisions of this Chapter.

F. No person shall allow or permit any "gray water" or human waste products to be disbursed

upon the ground or otherwise be outside of the recreational vehicle while the recreational vehicle is on the real property except directly into an approved and active City sewer system location or approved septic system on the real property which hookup shall be a requirement of each permit that exceeds the first 15 day period for the one year period. Each recreational vehicle shall be supplied with external running water before a permit is granted that exceeds the first 15 day period for the one year period. No permit shall be granted for occupation by more people than the recreational vehicle is designed by the manufacturer to accommodate. No permit shall be granted to a person or for real property where a person has been found by the Judge of the Sweet Home Municipal Court to be in violation of any of the provisions of this Chapter, or for real property where a revocation has occurred until at least one full year has passed from the date of the violation or revocation.

G. The City Building Official, Building Inspector, Code Enforcement Officer or Peace Officer can revoke the permit for having no operating sink and/or toilet; allowing the recreational vehicle to become unsafe structurally to occupy; allowing the recreational vehicle or area around it to become a public nuisance, as defined by state law or city ordinance; allowing more than the number of occupants stated in the permit to occupy the recreational vehicle; and for not complying with the provisions of this Chapter. The applicant has a right to appeal any revocation by filing with the Sweet Home Municipal Court a request for a hearing before the Judge of the Sweet Home Municipal Court on the revocation within 5 business days of the revocation. The decision of the Judge of the Sweet Home Municipal Court shall be a final decision for the City. The Judge of the Sweet Home Municipal Court has the authority to revoke a permit and order the cleanup of the real property and/or removal of the recreational vehicle and order the costs thereof be paid by the appellant or defendant and a lien placed on the property for said costs if paid by the City.

H. Notwithstanding the above time limits, the operation of this section shall be suspended during a time not to exceed 10 days when the electricity to the real property is not functioning because of a natural emergency.

Section 3. Subsection 10.28.030 A of the SHMC is amended by placing an "or" after the first semicolon in subsection A.

Section 4. Subsection 10.28.030 E the first paragraph of the SHMC is amended to read as follows:

Notwithstanding the provisions of Section 10.28.020 , a person can occupy a travel trailer or recreational vehicle, herein referred to as a temporary construction residence, in conjunction with the building of a structure that is to be used as a residence, upon the following conditions and terms.

Section 5. Subsection 10.28.030 E 3 of the SHMC is amended to read as follows:

The real property shall have an approved sewer system in place before the TCR permit will be issued. The temporary construction residence shall be connected with the sewer system at the time it is moved onto the real property, unless a temporary operable self-contained toilet and sewage system is approved by the Building Official. The temporary construction residence shall be equipped with and have an operable toilet at all times.

Section 6. Section 10.28.040 and Section 10.28.050 of the SHMC are hereby deleted and no longer in effect. All modifications and amendments made to the SHMC herein shall correspondently modify and amend the Sweet Home enacting ordinance(s).

Section 7. Subsection 10.28.060 C of the SHMC is created to read as follows:

C. In addition to any other authority given, the City Building Official, Building Inspector, Code Enforcement Officer or Peace Officer are authorized hereby to enforce this SHMC Chapter except for Subsection 10.28.030 D and E where the Building Official and his/her Building Inspector shall enforce the TCR provisions. These persons have a right to inspect the permitted vehicles at reasonable times in accordance with the law.

Section 8. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare. Therefore, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

Section 9. The Emergency Clause is being used in this ordinance so that the City can immediately start to implement the permit system to address the issue of human occupancy in recreational vehicles within the City which directly impacts the health and welfare of the public.

Passed by the Council and approved by the Mayor this 28th day of October, 2014.

Craig Martin pro tem
Mayor

ATTEST:

City Manager - Ex Officio City Recorder